

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ASHOT EGIAZARYAN,

Plaintiff,

-against-

PETER ZALMAYEV,

Defendant.

Case No.
1:11-cv-02670
(PKC)

March 27, 2012
10:03 a.m.

Videotaped deposition of PETER ZALMAYEV, taken
by Plaintiff, pursuant to Notice, held at the
offices of Flemming Zulack Williamson Zauderer,
LLP, One Liberty Plaza, New York, New York,
before Joseph R. Danyo, a Shorthand Reporter
and Notary Public within and for the State of
New York.

HUDSON REPORTING & VIDEO, INC.

124 West 30th Street, 2nd Fl.

New York, New York 10001

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ASHOT EGIAZARYAN,

Plaintiff,

-against-

Case No.
1:11-cv-02670
(PKC)
Volume 2

PETER ZALMAYEV,

Defendant.

March 28, 2012
10:08 a.m.

VOLUME II

Videotaped deposition of PETER ZALMAYEV,
taken by Plaintiff, pursuant to Notice, held at
the offices of Flemming Zulack Williamson
Zauderer, LLP, One Liberty Plaza, New York, New
York, before Joseph R. Danyo, a Shorthand
Reporter and Notary Public within and for the
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1 Zalmayev

2 States?

3 A. Yes.

4 Q. Were you born here?

5 A. No.

6 Q. You are a naturalized citizen?

7 A. Yes.

8 Q. When were you naturalized?

9 A. I was naturalized in 2005, I believe.

10 Q. And are you aware of the plaintiff --
11 withdrawn. Have you ever heard of the plaintiff,
12 Ashot Egiazaryan?

13 A. Yes.

14 Q. Do you know who he is?

15 A. Yes.

16 Q. Have you ever met him?

17 A. No.

18 Q. You understand that he is a plaintiff
19 and you are a defendant in a lawsuit regarding
20 defamation. Do you understand that?

21 A. Yes, I do.

22 Q. Let me ask you are you aware of any
23 anti-Semitic statements made by Ashot Egiazaryan
24 either in public or in private?

25 A. No.

1 Zalmayev

2 Q. Are you aware of any vote cast by
3 Ashot Egiazaryan while he was in Duma for any
4 legislation that was anti-Semitic?

5 A. No.

6 Q. Are you aware of Mr. Egiazaryan
7 taking any positions that were anti-Semitic?

8 A. No.

9 Q. Now I would like to show you a couple
10 of documents here. We are going to mark this
11 document as Exhibit 210. It is the answer and
12 counterclaim.

13 (Exhibit 210, Answer and
14 counterclaim, was so marked for
15 identification, as of this date.)

16 Q. As you now see, Mr. Zalmayev, during
17 the course of the deposition, you will be given
18 documents that are marked with a little sticker
19 in the corner. The first thing I will ask
20 probably is whether you recognize the document,
21 and you should take as long or as little as you
22 need to answer that question, and then to the
23 extent I will be asking you specific questions
24 about the document, I will direct you to those
25 sections, but you should feel free to read as

1 Zalmayev

2 Egiazaryan?

3 A. Eventually you mean?

4 Q. Yes.

5 A. I had an understanding, yes.

6 Q. What was that understanding?

7 A. The understanding was that Mr.

8 Vavilov may have wanted Mr. Egiazaryan to be held
9 accountable.

10 Q. Mr. Vavilov didn't like Mr.
11 Egiazaryan too much, did he?

12 A. I don't think -- no, I don't think he
13 did.

14 Q. Fair to say that Mr. Vavilov hated
15 Mr. Egiazaryan's guts?

16 A. There was a degree of animosity.

17 Q. A lot of animosity, huh?

18 A. I'm not sure I could judge the degree
19 of that animosity.

20 Q. Now, when you met with Mr. Akhmetshin
21 in 2009, had you ever heard of the name Andrey
22 Vavilov before?

23 A. Yes.

24 Q. In what context had you heard it?

25 A. In the context of his performing of

1 Zalmayev

2 awareness of the fact that Mr. Egiazaryan had
3 fled Russia by then. So he was aware of this
4 brouhaha. He was aware.

5 He also, I think he mentioned it in
6 terms of his friendship with Zhirinovsky.
7 Zhirinovsky's name came up, and generally just
8 looking at it, I think from the beginning showed
9 enthusiasm about signing onto the campaign.

10 Q. Did you present him with a draft
11 letter?

12 A. Yes.

13 Q. Did he take it?

14 A. He took it.

15 Q. Did he make any edits to it?

16 A. I gave him the hard copy of the
17 letter. I also believe I allowed him to download
18 it onto his hard drive. He told me he would look
19 at it and requested that I return the following
20 day to discuss it further.

21 Q. And did you?

22 A. Yes, I did.

23 Q. Where did that happen? At his
24 office?

25 A. Yes.

1 Zalmayev

2 Q. What did you say to him and what did
3 he say to you?

4 A. I showed up the next day. He said, I
5 looked at it. I don't see any problems. I don't
6 read English, but can you just sort of tell me
7 what it is about. I proceeded to translate it
8 for him verbatim, lest there be any
9 misunderstanding later.

10 He said, I am willing to sign it.
11 Let's do it. He signed several copies of the
12 letter. There were five recipients, I believe.
13 He signed all of them.

14 Q. Now you said that when you arrived
15 and inquired about the letter, Mr. Ponomarev
16 said, I didn't see any problems with the letter
17 or words to that effect, correct?

18 A. Correct.

19 Q. How could he have said that if he
20 didn't understand English?

21 A. My understanding was there was a
22 young secretary, very sophisticated young lady
23 with knowledge of English who was there the first
24 time and the second time who in the meantime
25 conveyed the contents of the letter, so Mr.

1 Zalmayev

2 Ponomarev had an idea of what the letter was
3 about.

4 Q. Do you remember the young lady's
5 name?

6 A. No, I don't.

7 Q. If the young lady read it to Mr.
8 Ponomarev, why was it necessary for you to
9 translate it?

10 A. Because he wanted to discuss it
11 further, and I'm not sure that she -- I'm not
12 sure the extent to which they discussed it. He
13 looked at it, and I volunteered, and I had said,
14 here, Lev, let me read it to you, let's go
15 through it, and that is what I did.

16 Q. Did he ask for payment?

17 A. No.

18 Q. Did he ever ask for payment?

19 A. No.

20 Q. Did you ever pay Mr. Ponomarev
21 \$3,000?

22 A. I paid him \$2,000, not three.

23 Q. Do you know why Mr. Akhmetshin would
24 have said that you paid him \$3,000?

25 A. That was the discussion we had, and

1 Zalmayev

2 Q. In what way?

3 A. In a way similar to my previous
4 encounter with Mr. Ponomarev in a kind of
5 negative way. She had an idea this gentleman was
6 a member of LDPR. LDPR came up repeatedly, and
7 once again visible, visible disgust on her face
8 once the matter of LDPR came up, the name, and
9 when I said Egiazaryan, she said, her prompt was,
10 you mean that LDPR fellow? I said yes. So that
11 was the initial exchange.

12 Q. Did you discuss anti-Semitism with
13 her in connection with Mr. Egiazaryan?

14 A. Anti-Semitism did come up in
15 connection with LDPR. Not exactly in connection
16 with Mr. Egiazaryan, no.

17 Q. Did she ever say to you in words or
18 substance, Mr. Egiazaryan is an anti-Semite?

19 A. No.

20 Q. So, after this initial introduction
21 to the Egiazaryan subject, tell me what else
22 happened during that meeting.

23 A. I proceeded to describe to her the
24 particulars of the campaign. I mentioned the no
25 entry list initiative by Senator Cardin. She

1 Zalmayev

2 mentioned her enduring friendship with several of
3 the recipients of the letters including Mr.
4 Cardin and Christopher Smith, a congressman from
5 New Jersey. She said they were upstanding
6 fellows.

7 She remembered very fondly all the
8 times that she was engaged with them, and I think
9 when I showed her, then when I produced the
10 letters, I said, Ms. Alekseeva, here are some
11 letters I prepared on this issue, would you be
12 willing to sign.

13 When she saw the names of Mr. Smith
14 and Cardin, she said, these are my friends. They
15 will listen to me. Then she read them very
16 carefully, and her English is quite impressive.
17 I know she is very fluent in English. She read
18 it carefully. She took about ten minutes to read
19 through the letter, and shortly afterwards she
20 grabbed a pen and signed them.

21 Q. Right in front of you?

22 A. Right in front of me.

23 Q. By the way, did you tell Mr.

24 Ponomarev that you were working on behalf of a
25 client?

1 Zalmayev

2 A. Mr. Ponomarev?

3 Q. Yes.

4 A. It did not come up, no.

5 Q. So you did not tell him?

6 A. I did not tell him. We did not
7 discuss it.

8 Q. How about Ms. Alekseeva, did you tell
9 her that you were working on behalf of a paid
10 client?

11 A. I did not say that.

12 Q. Did she ask you?

13 A. No.

14 Q. Did you make a payment to Ms.
15 Alekseeva?

16 A. I did not.

17 Q. Do you know why Mr. Akhmetshin would
18 have said that a payment of \$2,000 was made to
19 Ms. Alekseeva?

20 A. We also discussed similar to Mr.
21 Ponomarev, this was my original understanding and
22 Mr. Akhmetshin's understanding that this is how
23 things are done in Russia. You thank people.

24 So I automatically put down that
25 amount. Like I said, it was a tentative budget

1 Zalmayev

2 Helsinki Group."

3 A. Which page is that?

4 Q. Page 31, paragraph 35. I will wait
5 for you to be ready.

6 A. Yes.

7 Q. "Mr. Zalmayev collaborated with
8 Lyudmila Alekseeva, chairperson, Moscow Helsinki
9 Group, on letters to members of the United States
10 Congress about Mr. Egiazaryan. Ms. Alekseeva was
11 aware of Mr. Egiazaryan, his situation and the
12 public information and criticism of him. Part of
13 the collaboration was that Mr. Zalmayev's English
14 is better than Ms. Alekseeva's English."

15 Is that a true statement?

16 A. That is a true statement.

17 Q. Is there any reason why Ms. Alekseeva
18 couldn't have drafted the letter that she
19 ultimately signed?

20 A. Ms. Alekseeva is a very busy woman,
21 and she probably deals with such requests on a
22 daily basis, so I wanted to take -- I did not
23 want to take her time with this. She is also a
24 very old woman. She is pushing on I think 85.
25 She is definitely past 80.

1 Zalmayev

2 Q. Do you think her English is good
3 enough to have drafted a letter of this sort?

4 A. It was good enough to read it and
5 understand it. To have drafted it in that way,
6 it is not that good, no.

7 Q. I want to show you a series of
8 documents that were marked at an earlier
9 deposition collectively as 82. I would like you
10 to take a look at this exhibit. It bears Bates
11 numbers BA 00153 and runs through and including
12 BA 00160. Do you see that?

13 A. Yes.

14 Q. Do you recognize these letters?

15 A. Smith, Cardin, Smith. Yes, I do.

16 Q. All right. Are these the letters
17 that were drafted by Mr. Ponomarev -- withdrawn.
18 Were these the letters that were signed by Mr.
19 Ponomarev and Ms. Alekseeva that you presented to
20 them during your trip to Moscow?

21 A. Yes.

22 Q. Do you know whether or not --
23 withdrawn. Who sent these letters to their
24 recipients, did you or did they?

25 A. Neither.

1 Zalmayev

2 A. I did.

3 Q. When did you do that?

4 A. I think it was the last day of my
5 trip. It was sometime once again the first week
6 of February that I met with him.

7 Q. Where did you meet with him?

8 A. Some breakfast place in Washington.

9 Q. So he was in the United States, not
10 Russia?

11 A. Correct.

12 Q. Let me call your attention to the
13 letterhead that appears on Mr. Ponomarev's letter
14 BA 00154. Would you agree with me that it is the
15 same letterhead on all of Mr. Ponomarev's letters
16 in this exhibit?

17 A. For human rights, for human rights.
18 One second. It does appear to be the same
19 letterhead, yes.

20 Q. Do you know where that letterhead
21 came from?

22 A. That letterhead came from Mr.
23 Ponomarev.

24 Q. So you didn't put this letterhead on
25 the letter, did you?

1 Zalmayev

2 A. I don't think so, no.

3 Q. You say you don't think so. Are you
4 sure?

5 A. I am pretty sure.

6 Q. How about the letterhead for Ms.
7 Alekseeva, do you see that beginning on page
8 BA 00156?

9 A. I see it.

10 Q. Is it the same letterhead that
11 appears throughout this document?

12 A. Yes, I think so.

13 Q. Did you put this letterhead on it?

14 A. I did.

15 Q. Where did you get it from?

16 A. I think I remember getting it from
17 the organization's website.

18 Q. Did it say download letterhead here?

19 A. It could have been that, or I could
20 have just cut and pasted it from the website.

21 Q. You cut and pasted it from the
22 website, didn't you?

23 A. From the website, yes.

24 Q. And did the letter appear on this
25 letterhead when you presented it to Ms.

1 Zalmayev

2 some more on that document.

3 Q. Did the information about the
4 commission get any less murky after December 29,
5 2010?

6 A. First of all, I think eventually I
7 was able to correct some of the inaccuracies as
8 far as the basic chronology that you just pointed
9 out in that rough draft here that was really for
10 Rinat's use, and, yes, I was able to establish
11 that the commission was founded in 2000 and
12 disbanded in 2003, and that the general
13 impression I had from more sources which was
14 following this communication such as websites and
15 Russian NGOs information, et cetera, is that the
16 commission was notorious in its short history was
17 marked by allegations of impropriety of funds
18 being embezzled, et cetera. That was just sort
19 of the public knowledge that was available. That
20 was the impression I generally had.

21 Q. You say, had a history marked by
22 allegations of impropriety. You found no
23 evidence that those allegations were proven,
24 right?

25 A. Evidence? I don't remember that I

1 Zalmayev

2 found the evidence, no.

3 Q. Isn't it true, sir, that during the
4 course of all your research, you couldn't find --
5 withdrawn. Isn't it true that you couldn't say
6 with certainty anything about Mr. Egiazaryan's
7 Chechen record?

8 MR. GOLDEN: Objection to the form.

9 A. No, it is not true. I was able to
10 say that Mr. Egiazaryan, A, initiated the
11 founding of the commission and was one of its
12 leaders, B, that the commission was murky, and
13 there were serious allegations as a matter of
14 public knowledge of its inactivity or wrongful
15 inactivity in Chechnya, and C, that as such, Mr.
16 Egiazaryan shared in some of its complicity and
17 responsibility.

18 Q. But you could not establish with
19 certainty that Mr. Egiazaryan shared in the
20 complicity, correct?

21 MR. GOLDEN: Objection to the form.

22 A. As one of the leaders and a founder
23 of this commission, yes. He was associated with
24 the commission, and therefore in my opinion and
25 view he was associated with whatever the

1 Zalmayev

2 commission was known for and its results, the
3 results of its work, whatever allegations were
4 made against it.

5 Q. But you were never able to
6 substantiate those allegations, right?

7 A. My substantiation was scores of media
8 reports that I familiarized with while doing my
9 research on this subject.

10 Q. Other than media reports, what did
11 you look at to establish the accuracy of the
12 allegations that you are talking about here?

13 MR. GOLDEN: Objection to the form.

14 A. The media reports were a substantial
15 first step that gave me a good idea of what I was
16 dealing with. I also spoke with some of my NGO
17 colleagues including some of the people that you
18 saw on that list who we just discussed who
19 corroborated the impression of that body being
20 completely inactive, completely inept and
21 completely counterproductive. The body that
22 didn't really do what it was asked to do.

23 Q. Did you come up with any credible
24 evidence that Mr. Egiazaryan was complicit in
25 embezzling Chechen funds?

1 Zalmayev

2 A. I got that impression once again from
3 media sources that, as I mentioned to you
4 earlier, lamented the fact that there was this
5 commission and that Mr. Egiazaryan was put in
6 charge of that commission, how that it was sort
7 of the public perception that with Mr. Egiazaryan
8 in charge one might just as well kiss goodbye to
9 the money. I think that is one particular
10 article put it in those terms that I remember.

11 Q. That was not my question, though. My
12 question was did you come up with any credible
13 evidence that Mr. Egiazaryan was complicit in the
14 embezzlement of Chechen funds?

15 MR. GOLDEN: Objection, asked and
16 answered.

17 MR. LUPKIN: It is not answered, but
18 it was asked.

19 A. If you are asking me if I saw him
20 pocket money, no, I did not see him pocket money.

21 Q. Other than seeing him pocket money,
22 are you aware of any credible evidence of Mr.
23 Egiazaryan embezzling Chechen funds?

24 MR. GOLDEN: Objection, asked and
25 answered. Now you are arguing with the

1 Zalmayev

2 witness, and you are doing it in a way
3 that is inappropriate.

4 Q. You can answer the question.

5 A. But I think I already answered it in
6 several different ways. I don't know how else to
7 tell you.

8 Q. Help me one more time. Did you come
9 up with any credible evidence establishing that
10 Mr. Egiazaryan embezzled Chechen funds?

11 MR. GOLDEN: That is a different
12 question, and I'm not going to object to
13 it because it is a different question.

14 A. Now I am confused. What is the
15 question? What is your next question?

16 Q. The question was did you come up with
17 any credible evidence of Mr. Egiazaryan
18 embezzling Chechen funds?

19 A. Funds allocated for the
20 reconstruction in Chechnya?

21 Q. Yes.

22 A. That was my impression that I had
23 from reading media reports, as I said.

24 Q. But you have no credible evidence,
25 right?

1 Zalmayev

2 A. I did not see him personally
3 embezzling the funds, no, I did not see him. I
4 was not there to catch him red-handed, no.

5 Q. And you didn't examine any ledger
6 books, did you?

7 MR. GOLDEN: Objection to the form.

8 Wait a second. Objection to the form.

9 A. I'm not sure what ledger books is
10 referring to. I'm not familiar with the term.

11 Q. Do you know whether the commission in
12 charge of funds for the reconstruction of
13 Chechnya even touched any of the money that was
14 earmarked for Chechnya?

15 MR. GOLDEN: Objection to the form.

16 I don't understand that question.

17 Q. Do you understand my question?

18 A. I'm not sure I do.

19 MR. GOLDEN: Would you read it back.

20 (Record read)

21 MR. GOLDEN: My problem is the use of
22 the word "touch." I just don't know what
23 you mean.

24 MR. LUPKIN: I will rephrase it.

25 Q. Do you know whether the commission in

1 Zalmayev

2 charge of the funds for the reconstruction of
3 Chechnya ever actually handled any of the money
4 that was earmarked for Chechnya, or was it an
5 oversight committee?

6 A. It was a committee that was
7 responsible for restoring order, reconstructing
8 Chechnya. I relied on scores of media reports in
9 forming the general impression I had that the
10 commission did not contribute in any meaningful
11 positive way to that reconstruction, and there
12 were serious concerns voiced by civil society
13 activists, in media, that there was impropriety
14 involved, funds may have been embezzled.

15 Q. But you have no credible evidence of
16 that, do you?

17 MR. GOLDEN: Objection to the form.

18 Q. You can answer.

19 A. I wasn't there to witness it, no.

20 Q. Did you ever see any original
21 documents suggesting that Mr. Egiazaryan
22 embezzled funds earmarked for Chechnya?

23 MR. GOLDEN: Please define what you
24 mean by original documents.

25 Q. Something other than a media report.

1 Zalmayev

2 A. Something other than a media report
3 and an opinion of my fellow NGO activists?

4 Q. Yes.

5 A. Documentation, I do not remember
6 seeing, no.

7 Q. How long after this December -- when
8 did you reach this conclusion?

9 A. I'm sorry. Which conclusion?

10 Q. Withdrawn. Is it because there was
11 no credible evidence that you dropped the matter
12 on Chechnya with respect to Mr. Egiazaryan?

13 MR. GOLDEN: Objection to the form.

14 A. I don't think there was ever any
15 issue of dropping the matter.

16 Q. Did there come a time where you
17 stopped pressing the Chechnya angle with respect
18 to the Mr. Egiazaryan project?

19 A. Well, I never really considered it an
20 angle. It was a legitimate issue of concern that
21 I found eventually less salient with the Western
22 audiences, with American audience.

23 Q. What do you mean by that?

24 A. I mean how many people in America
25 have heard of Chechnya? I mean how many people

1 Zalmayev

2 various sources, not just one.

3 Q. Now when you delivered this letter
4 from Mr. Ponomarev to Senator Cardin, who did you
5 hand it to physically?

6 A. I believe it was a meeting with Mr.
7 Kyle Parker. He was a staffer.

8 Q. Did you --

9 A. A staffer on Russian affairs and
10 Russia at the Helsinki Commission in Washington.

11 Q. Did you tell Mr. Parker that you were
12 the primary draftsman of this document, the
13 letter?

14 A. At the initial point of my meeting,
15 that was not part of our discussion.

16 Q. Did you ever tell Mr. Parker that you
17 were a primary draftsman of the letter by Mr.
18 Ponomarev?

19 A. There may have been a discussion
20 after he was able to familiarize himself with it.
21 He may have noticed a similarity in the style. I
22 do recall some e-mail exchange with him where he
23 asked me who is it coming from? Who is the one
24 who drafted the letters? I believe I did say
25 that I helped prepare the message and I was a

1 Zalmayev

2 participant in that process, so there was that
3 discussion, yes.

4 Q. Did you tell Mr. Parker that you paid
5 Mr. Ponomarev \$2,000 in cash?

6 A. No.

7 Q. Didn't you think that would be an
8 important piece of information?

9 A. No, I did not think so.

10 Q. If you were Mr. Parker, would you
11 have wanted to know whether or not Mr. Ponomarev
12 received \$2,000 in cash?

13 MR. GOLDEN: Objection to the form.

14 Q. You can answer.

15 A. A, I'm not Mr. Parker, I can't tell
16 you. B, my opinion of someone who has been a
17 long-term Russia hand in a major policies
18 establishment in Washington, he knows Russia all
19 too well to be concerned about that.

20 Q. But you don't know one way or the
21 other because you didn't tell him, right?

22 MR. GOLDEN: Objection, asked and
23 answered.

24 A. I'm not Mr. Parker. I don't know
25 what he really -- he didn't ask me.

1 Zalmayev

2 Q. And you didn't tell him?

3 MR. GOLDEN: Objection, asked and
4 answered.

5 Q. You can answer.

6 A. And I did not tell him. No. I said
7 it.

8 Q. Then you write at the end of this
9 paragraph, "As such, therefore, Mr. Egiazaryan
10 was a contributor to the destructive Second
11 Chechen War."

12 Did I read that accurately?

13 A. Yes.

14 Q. You didn't say there was credible
15 evidence that Mr. Egiazaryan was a contributor to
16 the destructive Chechen War, right?

17 MR. GOLDEN: Objection to the form.

18 A. I said according to several reports
19 in the previous sentence.

20 Q. Right. But in the sentence I just
21 read to you, there is no qualifying language.

22 Would you agree with that?

23 MR. GOLDEN: Objection to the form.

24 A. I can just read you back the sentence
25 and have you decide.

1 Zalmayev

2 Q. Please do.

3 A. "As such, Mr. Egiazaryan was a
4 contributor to the destructive Second Chechen
5 War." That is what it literally says.

6 Q. Did you tell Mr. Parker that you were
7 working for a client?

8 A. That was not a subject of our
9 conversation.

10 Q. At the time you delivered this letter
11 to Senator Cardin's office, you knew you were
12 working for a client, right?

13 A. I knew I was working for a client,
14 yes.

15 Q. And did you tell Mr. Parker that you
16 were being paid for your work on this project?

17 A. No.

18 Q. Did you tell Senator Cardin that you
19 were being paid for the work on this project?

20 MR. GOLDEN: Objection to the form.

21 A. I did not tell him that.

22 Q. Let me ask you to turn to the Senator
23 Cardin letter that was prepared over Ms.
24 Alekseeva's signature. Do you see that BA 00158
25 in Exhibit 82?

1 Zalmayev

2 (Exhibit 221, Document bearing Bates
3 numbers Freedom H 00002 through 00005, was
4 so marked for identification, as of this
5 date.)

6 Q. By the way, before we get to that
7 article, you indicated that you sent a copy of
8 the Ponomarev and Alekseeva letters. Before we
9 get to that document, you will have as much time
10 as you want to read it, but, before we get to
11 that document, you said you transmitted a copy of
12 the Alekseeva and Ponomarev letters to Freedom
13 House. Do you recall giving that testimony?

14 A. Yes.

15 Q. When you received a copy of what I
16 have been calling the retraction letters, did you
17 provide copies of those to Freedom House?

18 A. I don't think so.

19 Q. When you learned of the Voice of
20 America article in which Ms. Alekseeva stated
21 what is quoted in what we have just read from,
22 Exhibit 220, I'm sorry, not from 220, Exhibit 85,
23 the Voice of America article, did you bring that
24 to Freedom House's attention?

25 A. I don't remember that, no.

1 Zalmayev

2 Q. Anyone else?

3 A. No.

4 Q. How long did you meet with them?

5 A. I would say about 30 to 40 minutes
6 the meeting lasted.

7 Q. Tell me what it is you said to them
8 and what it is they said to you.

9 A. I described to them the campaign I
10 was leading. They asked me questions about the
11 campaign. We also talked about the general state
12 of human rights in Russia, human rights in
13 Chechnya specifically.

14 Q. Did you tell Mr. Patton that you were
15 working on behalf of a client?

16 A. That was not an issue that was
17 discussed. No.

18 Q. You didn't tell him that you were
19 being paid for your work here, right?

20 A. I did not say that, no.

21 Q. You didn't say that to Ms. Asoyan
22 either, right?

23 A. No.

24 Q. During the course of your discussion
25 about what you have been calling the campaign,

1 Zalmayev

2 subject?

3 A. I expressed my general incredulity on
4 that subject.

5 Q. You indicated at the beginning of
6 this deposition that you were paid a certain sum
7 of money that totaled approximately \$100,000,
8 correct?

9 A. A total, yes.

10 Q. And you don't know whether that money
11 came from Mr. Kerimov, do you, one way or the
12 other?

13 A. I never had any information
14 indicating that it came from Mr. Kerimov, no.

15 Q. And you never had any information
16 that it didn't come from Mr. Kerimov, right?

17 A. I actually did have that information.
18 It was -- I was aware that Mr. Kerimov had
19 nothing to do with the campaign I was leading.

20 Q. How did you become aware of that?

21 A. From my conversations with Rinat.
22 There was just no piece of information that I was
23 in possession of, no piece of evidence, no
24 information, hearsay, anything, that would
25 indicate Mr. Kerimov had anything to do with the

1 Zalmayev

2 campaign that I was leading.

3 Q. You don't know the source of the
4 funds used to pay the \$100,000 to Eurasia
5 Democracy Initiative, do you?

6 A. Now I do.

7 Q. What do you know that to be?

8 A. I think Mr. Vavilov was revealed to
9 me as the source.

10 Q. When was he revealed to you as the
11 source?

12 A. Shortly after the complaint was
13 filed.

14 Q. Are you aware of the fact -- who
15 revealed that to you?

16 A. Rinat mentioned it.

17 Q. What did he say to you?

18 A. This was information provided to me
19 on the eve of my meeting with Mr. Vavilov.

20 Q. Did Mr. Vavilov say anything at the
21 meeting about having funded your project?

22 A. He did not discuss that, no.

23 Q. When Rinat Akhmetshin told you that
24 money had come from Mr. Vavilov, did he tell you
25 how he, Akhmetshin, received the money from Mr.

1 Zalmayev

2 signature. It had Ms. Alekseeva's signature.

3 Q. And the Svetlana Gannushkina letters,
4 those were sent out over her signature as well,
5 correct?

6 A. Yes. Correct.

7 Q. Not over your signatures, right?

8 A. No.

9 Q. There were letters sent out by
10 Freedom House, correct?

11 A. Freedom House was a subsequent
12 co-signer of a letter on Mr. Egiazaryan's case.

13 Q. We will get to that probably
14 tomorrow. In what other ways did you disseminate
15 information or educate the public in connection
16 with your campaign?

17 A. I prepared my own article which was
18 published in the Jewish Journal. I worked with
19 other individuals, other reporters to bring to
20 their attention Mr. Egiazaryan's case.

21 Q. And you worked with Leonid Komarovsky
22 as well, correct?

23 A. Correct.

24 Q. In fact, Mr. Komarovsky published an
25 article, No Safe Haven for Hate-Mongers, correct?

1 Zalmayev

2 A. That's correct.

3 Q. And you participated in drafting
4 that, correct?

5 A. I did.

6 Q. And Mr. Komarovsky was paid \$7,000 in
7 connection with this campaign, isn't that
8 correct?

9 A. That's correct.

10 Q. How did you arrive at the number
11 \$7,000?

12 A. Mr. Komarovsky wanted to know if he
13 could expect to be compensated for his time,
14 which he estimated would be significant because
15 the need was to research this matter thoroughly.
16 Then he asked me if that was the case. I said,
17 yes, of course I would not expect you to work for
18 free.

19 Q. Did he quote you an hourly rate?

20 A. He did not quote.

21 Q. Did you have an understanding of what
22 his hourly rate was?

23 A. No.

24 Q. Am I correct that you drafted the
25 article No Safe Haven for Hate-Mongers on his

1 Zalmayev

2 behalf, did you not?

3 A. I think I had discussed it with him,
4 but the bulk of it was my -- the product of my
5 labor, right.

6 Q. So the bulk of it was the product of
7 your research, correct?

8 A. My research, but also I believe that
9 by then Mr. Komarovsky had done a substantial,
10 substantial amount of research of his own.

11 Q. How do you know that?

12 A. Well, he prepared an article, an
13 opinion piece, let me restate that, an opinion
14 piece in a Russian Jewish American newspaper
15 which he published.

16 Q. What was the name of that newspaper?

17 A. I think the name of the newspaper?

18 Q. Yes.

19 A. It means Jewish World.

20 Q. Was that published before or after No
21 Safe Haven for Hate-Mongers?

22 A. I believe it was published before.

23 Q. Apart from the meeting you had with
24 Mr. Vavilov in Mr. Ryan's office, have you ever
25 spoken with Mr. Vavilov?

1 P. Zalmayev

2 document.

3 Q. So Mr. Rubin, Joel Rubin --

4 A. Yes.

5 Q. -- wanted to get Mr. Egiazaryan's
6 side of the story, right?

7 A. Correct.

8 Q. Because he is a responsible
9 journalist?

10 MR. GOLDEN: Objection.

11 Q. Do you know whether or not Mr. Rubin
12 is a responsible journalist?

13 A. I would have no reason to doubt that
14 he is not.

15 Q. You never looked to get Mr.
16 Egiazaryan's side of the story, did you?

17 A. I did not.

18 Q. You didn't reach out to any of his
19 lawyers to get his side of the story, did you?

20 A. I'm not a lawyer. I am sorry. I'm
21 not a journalist; so, no, I didn't feel like I
22 needed to abide by that standard. No, I did not.

23 Q. Whether you felt you needed to abide
24 by it or not, you didn't do it?

25 A. I did not do it. No.

1 P. Zalmayev

2 A. I don't think so, no.

3 Q. Did you offer it to him?

4 A. No.

5 Q. By the way, did you tell Mr. Rubin
6 that you were working for a client?

7 A. No.

8 Q. And presumably you didn't tell Mr.
9 Joel Rubin that you were being paid for your work
10 on this campaign for a client, correct?

11 A. I did not tell him that, no.

12 Q. What was the purpose of your meeting
13 with him other than what you just told me?

14 A. That was the purpose.

15 Q. Was Mr. Rubin having difficulty
16 getting ahold of Mr. Egiazaryan?

17 A. He did follow up with me. I believe
18 he relayed some facts about his attempts or
19 shared with me some details about his attempts to
20 contact Mr. Egiazaryan. To my knowledge, I
21 don't believe he was successful in meeting with
22 him.

23 Q. So you wanted to help facilitate his
24 ability to meet with him?

25 A. He requested and he wanted to see if

1 P. Zalmayev

2 I could, and I in turn also wanted to see if I
3 could.

4 Q. By the way, weren't you interested in
5 what Mr. Egiazaryan's side of the story was?

6 A. No, I wasn't.

7 Q. Let me ask you to take a look at what
8 has been previously marked at this deposition --
9 by the way, before we do that, do you know who
10 conducted this surveillance that is reflected in
11 Exhibit 225?

12 A. I believe I answered that question.
13 I'm not aware.

14 Q. Have you ever heard of the name
15 Lawrence or Larry Weist?

16 A. Larry Weist. Larry Weist. I
17 believe I do have a vague recollection of that
18 name. Yes, I do.

19 Q. How do you know that name?

20 A. I believe I may have seen a document
21 having to do with some legal action taking place
22 in California at some point before the
23 commencement of my project when Mr. Weist was, I
24 believe there was his testimony, and I believe
25 somewhere in that testimony this document may

1 P. Zalmayev

2 about enlisting his assistance, you didn't tell
3 him that you were working for a client, did you?

4 A. We did not have that discussion, no.

5 Q. And you didn't tell him that you were
6 being paid by a client to perform this function,
7 did you?

8 A. There was not that discussion.

9 Q. And you didn't tell him, right?

10 A. No.

11 MR. LUPKIN: Let me ask you to mark
12 as the next exhibit, PZ 001287 through PZ
13 001289.

14 (Whereupon, Plaintiff's Exhibit 228,
15 document bearing Bates designation PZ
16 001287 through PZ 001289 was hereby marked
17 for identification, as of this date.)

18 Q. Please take a look at this document
19 and when you are finished, let me know.

20 A. Yes, I have looked at it.

21 Q. Have you seen it before?

22 A. I have.

23 Q. What do you recognize it to be?

24 A. It is a document, a Word document
25 that was saved in my -- part of my files.

1 P. Zalmayev

2 Q. You can answer.

3 A. No, I wouldn't.

4 Q. By the way, February 4 is the same
5 day that you met with Doug Birch, isn't it?

6 MR. GOLDEN: Excuse me. Would you
7 just read that back.

8 [The requested portion of the record
9 was read back by the reporter.]

10 A. It may be the day. I know it was
11 sometime one or two days before the article, so,
12 yes. I don't exactly recall the date.

13 Q. This was Exhibit 178. My question
14 is going to be do you recognize this document?

15 A. I recognize a portion of this
16 document.

17 Q. Which portion do you recognize?

18 A. I recognize the text, the draft of
19 this.

20 Q. What do you recognize the text of the
21 draft as?

22 A. It is the draft of an opinion piece
23 that was in one, whether exactly in the same, you
24 know, form or not, was published in the Moscow
25 Times by Mr. Leonid Komarovsky.

1 P. Zalmayev

2 Q. This was the article that you
3 drafted, right, for Mr. Komarovsky?

4 A. I drafted it largely with his input.
5 We discussed it before he finally published it.
6 Yes.

7 Q. You drafted it, right?

8 A. I helped draft it, yes.

9 Q. You primarily drafted it, didn't you?

10 A. I primarily drafted it, correct.

11 Q. The article "No Safe Haven for
12 Hate-Mongers" that ultimately -- withdrawn --
13 start again.

14 And the article, "U.S. Must Get Real
15 on Anti-Semitism and Xenophobia No Safe Haven for
16 Hate-Mongers," when the final version of that
17 article came out in the Moscow Times -- I just
18 lost my train of thought. Bear with me. All
19 right.

20 Do you know why Mr. Akhmetshin is
21 forwarding a draft of the "No Safe Haven for
22 Hate-Mongers" article that you primarily drafted
23 to Mr. Greg Hitt?

24 A. I do not.

25 Q. As the primary draftsman of this

1 P. Zalmayev

2 article and the leader of the Ashot Egiazaryan
3 campaign, wouldn't you have wanted to know that?

4 MR. GOLDEN: Objection to the form.

5 A. No.

6 Q. You wouldn't be interested in whether
7 or not one of your drafts was being sent to
8 somebody outside of your inner team?

9 MR. GOLDEN: Objection to the form.

10 Q. You can answer that question.

11 A. I was interested in making sure that
12 the op-ed piece that I primarily drafted would be
13 published. That was my primary concern.

14 Q. And this article, the one that was
15 ultimately published in the -- I did it again.

16 This one the one that was ultimately
17 published in the Moscow Times is one of the
18 articles that is the subject matter of this
19 lawsuit, isn't that correct?

20 A. Yes, I think so.

21 Q. Did Mr. Akhmetshin tell you that he
22 was going to forward this to Mr. Hitt?

23 MR. GOLDEN: Objection. Asked and
24 answered.

25 A. No.

1 P. Zalmayev

2 Q. How about 179? Have you ever seen
3 that document before, sir?

4 A. A portion of it.

5 Q. Which portion did you see?

6 A. The opinion piece that was titled "No
7 Safe U.S. Haven for Hate-Mongers," which came out
8 in the Moscow Times on March 13, 2011 under the
9 byline of Leonid Komarovsky.

10 Q. That was the piece that you primarily
11 drafted, correct?

12 A. Correct.

13 Q. Now do you know who Mr. Akhmetshin is
14 forwarding this -- withdrawn.

15 Who is Mr. Akhmetshin forwarding this
16 to? Do you know?

17 A. Since this is the first time I am
18 seeing this particular portion of this e-mail,
19 I'm not aware, and it doesn't say here. So, no,
20 I don't.

21 Q. Do you know how this document wound
22 up in the possession of Public Strategies?

23 MR. GOLDEN: Objection to the form.

24 A. I do not know that.

25 Q. Next 180. Have you ever seen this

1 P. Zalmayev

2 document before?

3 A. I have not.

4 Q. Do you know why Mr. Akhmetshin is
5 forwarding -- withdrawn.

6 Do you know why this e-mail is being
7 sent to Mr. Nariman Gadzhiev on February 22,
8 2011?

9 MR. GOLDEN: Objection to the form.

10 A. I do not know that.

11 Q. Do you know why Mr. Akhmetshin would
12 have copied any of the people identified on this
13 e-mail?

14 MR. GOLDEN: Objection to the form.

15 A. I don't.

16 Q. And you were not blind-copied on this
17 e-mail, were you?

18 A. I do not remember this. No, I don't
19 think so.

20 Q. As the leader of the Ashot Egiazaryan
21 campaign, wouldn't you have wanted to know about
22 this communication?

23 MR. GOLDEN: Objection to the form.

24 A. I just correct. The anti-Ashot
25 Egiazaryan campaign.

1 P. Zalmayev

2 must be mentioned."

3 Q. Those were your words, right?

4 A. Yes.

5 Q. So, as far as you were concerned, it
6 wasn't significant in and of itself to get a
7 statement in the congressional record denouncing
8 anti-Semitism generally. Isn't that right?

9 MR. GOLDEN: Objection to the form.

10 A. My concern was to mention the issue
11 of anti-Semitism in relation to Mr. Ashot
12 Egiazaryan.

13 Q. But, if you were able to get a
14 statement in the Congressional record denouncing
15 anti-Semitism generally, that was of no concern
16 to you, was it?

17 MR. GOLDEN: Objection to the form.

18 A. My goal had to do and dealt with
19 spreading the message of Mr. Egiazaryan's
20 anti-Semitic associations and not anti-Semitism
21 in general.

22 Q. I want to switch subjects a little
23 bit please and ask you, I think I know the answer
24 to the question, but you will let me know. You
25 know what Google is, right?

1 P. Zalmayev

2 A. Yes.

3 Q. What is Google?

4 A. It is a search engine, online search
5 engine.

6 Q. It is arguably the most popular
7 search engine on the web, right?

8 A. It is a popular one.

9 Q. Do you know how Google prioritizes
10 its results in response to a search request?

11 MR. GOLDEN: Nobody knows that.

12 A. I believe it depends. My
13 understanding is that it depends on the order of
14 articles, order of various information pieces
15 being placed on the internet.

16 Q. Obviously if you are say advertising
17 in business, you would want your business's
18 e-mail to come up higher on the list than lower
19 on the list, right?

20 A. It depends on the information.

21 Q. Well, if somebody was searching for
22 Eurasia human rights organizations and they typed
23 in Eurasia human rights organizations, you would
24 want Eurasia Democracy Initiative to come up
25 somewhere close to the top of the list, right?

1 P. Zalmayev

2 MR. GOLDEN: Excuse me. When you
3 were asking him, are you asking that as an
4 example to talk about the search
5 structure, or do you mean specifically
6 what he cares about his organization?

7 MR. LUPKIN: I am just asking him
8 whether he understands the importance of
9 being listed up at the top.

10 A. Being listed up at the top was never
11 my fervent goal nor desire specifically, no.

12 Q. And let me ask you this. If you had
13 positive information about you and somebody were
14 to search for you, you would want that positive
15 information at the top of the search, right?

16 A. Yes, I would prefer positive rather
17 than negative information.

18 Q. And, conversely, if there was
19 negative information about you, you would want
20 that to appear lower down on the search result
21 list, right?

22 A. I would not want negative information
23 to be publicized especially if it was wantonly
24 negative or incorrect information, yes.

25 Q. Are you aware of the fact that there

1 P. Zalmayev

2 are ways in which parties can alter the order in
3 which search results come up in response to a
4 Google search?

5 A. I have been told from various sources
6 I had an idea that that could be something that
7 is possible. Yes.

8 Q. In fact, you considered doing just
9 that in connection with the Egiazaryan campaign.
10 Isn't that right?

11 A. I am sorry. Doing just what?

12 Q. Altering the order of search results
13 on Google.

14 A. There were a number of pieces that I
15 thought were generated by Mr. Egiazaryan and his
16 team that were up in the top of it. Yes.

17 Q. And you wanted to get that
18 information that was generated by Mr. Egiazaryan
19 and his team lower on the search results, right?

20 A. Yes, I prefer to see it much lower in
21 the results, correct.

22 Q. The reason you wanted to see it much
23 lower is because it would increase the likelihood
24 someone wouldn't notice it, right?

25 A. It is because I did not want that

1 P. Zalmayev

2 person searching for my name to see that in that
3 primarily and nothing but that, of course, yes.

4 Q. So I am correct, right?

5 MR. GOLDEN: Objection to the form.

6 A. I just stated my preference.

7 Q. But if -- withdrawn.

8 Did you in fact explore ways to lower
9 -- withdrawn.

10 Did you explore ways with Mr.
11 Akhmetshin to alter the order of search results
12 on Google in connection with the Egiazaryan
13 campaign?

14 MR. GOLDEN: Objection. I think the
15 two of you are talking about two slightly
16 different things.

17 Q. Let me see what the witness has to
18 say. You can answer it.

19 A. That was an issue that came up in my
20 conversation, yes.

21 Q. Did there come a time when you had
22 asked Mr. Akhmetshin to see whether he could
23 effectuate an alteration of Google result order?

24 A. I believe so.

25 Q. Let's take a look at this. PZ

1 P. Zalmayev

2 003158. The next exhibit.

3 (Whereupon, Plaintiff's Exhibit 240,

4 document bearing Bates designation PZ

5 003158 was hereby marked for

6 identification, as of this date.)

7 Q. Did you ever see this e-mail before?

8 A. Yes.

9 Q. Did you send this e-mail to Mr.

10 Akhmetshin on April 18, 2011 at 7:44 p.m., the

11 date and time indicated?

12 A. I did.

13 Q. Can you read to me the subject line.

14 A. "Google."

15 Q. Now can you read to me the text of

16 that e-mail.

17 A. "Yo. You mentioned there might be a

18 way to push down that" S H I T bad word "in the

19 search results. Did you contact your guy about

20 that?"

21 Q. When you used the term "Yo," what

22 were you talking about?

23 A. Yo as in you addressing Mr.

24 Akhmetshin.

25 Q. You didn't say you. You said yo,

1 P. Zalmayev

2 right?

3 A. It is another way of saying you.

4 It's an address. It is a form of address.

5 Informal form of address.

6 Q. Very informal, isn't it?

7 A. It is something used between friends,
8 yes. My understanding of it.

9 Q. What were you talking about here?

10 A. This was in follow up to a
11 conversation when I expressed my dismay to Mr.
12 Akhmetshin of how much negative information and
13 how much -- how many references to this
14 particular case and the lawsuit were being placed
15 in Google and appearing in the top at which point
16 he mentioned that he may know some person, an IT
17 person, who has a way to push, whichever, pieces
18 down the line or down in the search engine.
19 This was my follow-up to that discussion after I
20 had not heard from Mr. Akhmetshin on that for
21 some time, so this was basically to refresh his
22 memory and see if he had any further information
23 as to that request.

24 Q. Now this e-mail was sent on April 18.

25 You had not yet been served with a complaint in

1 P. Zalmayev

2 this case. Isn't that right?

3 A. No.

4 Q. I am correct, right?

5 A. You are correct.

6 Q. So, if you hadn't yet been served
7 with a complaint, where were you looking to push
8 that shit down in the search results about?

9 A. Once again I have a very vague
10 recollection about that, but it may have been
11 some media reports in the Russian media that were
12 to my mind spreading erroneous information about
13 me and the information such as EDI.

14 Q. What kind of erroneous information?

15 A. There may have been information.
16 There may have been just basic allegations. I'm
17 not sure if it had to do with, I believe it had
18 to do with Mr. Egiazaryan and his backers and
19 their attempts to paint the entire campaign, my
20 campaign in specific, with a quite broad brush
21 stroke. You know, and to paint it into
22 something that would be coming from various
23 political forces and interests that I had no
24 relation to.

25 Q. Take a look at this next e-mail, PZ

1 P. Zalmayev

2 002947.

3 (Whereupon, Plaintiff's Exhibit 241,
4 document was hereby marked for
5 identification, as of this date.)

6 Q. Do you recognize this e-mail chain?

7 A. Let me see. Yes, I do.

8 Q. Starting from the bottom up, did you
9 send an e-mail to Mr. Akhmetshin on April 22,
10 2011 at 12:59 a.m.?

11 A. Yes.

12 Q. Can you read it please?

13 A. "The whole first page of 'latest'
14 search results of my name is links to A's letter
15 to editor and the filed suit. Have you checked
16 with your guy yet?"

17 Q. What were you talking about there?

18 A. Here I was talking about Mr.
19 Egiazaryan's letter to the editor of the Jewish
20 Journal, and I believe by that time, I'm not
21 sure, by that time the suit had been filed
22 against me, so I am referring to that complaint,
23 and I was also inquiring to see if he had checked
24 with his contact about that.

25 Q. You say checked with his contact

1 P. Zalmayev

2 about that. What you mean is to check with his
3 IT guy to see whether or not something could be
4 done to lower the reference to Mr. Egiazaryan's
5 letter to the editor and reference to the lawsuit
6 on Google searches. Correct?

7 A. That's correct.

8 Q. Now Mr. Akhmetshin responds the same
9 day a few hours later April 22, 2011 at 3:07 p.m.
10 Right?

11 A. Correct.

12 Q. Did you get that e-mail at or around
13 that time?

14 A. Yes.

15 Q. Can you please read that into the
16 record.

17 MR. GOLDEN: Peter, read all the
18 words. Read the profanity.

19 THE WITNESS: Yes?

20 MR. GOLDEN: Yes.

21 A. "It is a holiday, yo. We'll deal
22 with that. Stop being antsy. This is what
23 those fucks want to do to make you feel bad. You
24 shouldn't. Get your mind off that shit, yo!!"

25 Q. Do you recall Mr. Akhmetshin sending

1 P. Zalmayev

2 you this e-mail?

3 A. I do recall that.

4 MR. LUPKIN: Mark this as the next
5 document, please.

6 (Whereupon, Plaintiff's Exhibit 242,
7 document bearing Bates designation PZ
8 002948 was hereby marked for
9 identification, as of this date.)

10 Q. Exhibit 242 bearing Bates designation
11 PZ 002948 you have in front of you, sir?

12 A. Yes, I do.

13 Q. Do you recognize this e-mail
14 exchange?

15 A. I do.

16 Q. At the bottom of the page you sent
17 Mr. Akhmetshin an e-mail on May 9, 2011 at 7:29
18 p.m. the date and time indicated?

19 A. Yes.

20 Q. You write, "Also please see item 6 in
21 this search. It must go:" And then there is a
22 Google search with a bunch of computer characters
23 and then Eurasia Democracy Initiative.

24 Do you see that?

25 A. Yes, I do.

1 P. Zalmayev

2 Q. Do you know what item 6 in the search
3 was?

4 A. I would probably recognize it. I
5 don't remember on the top of my head. No.

6 Q. Does the fact that this e-mail is
7 dated May 10 help you recall what item 6 was?

8 A. No, it doesn't.

9 Q. The top e-mail is from Mr. Akhmetshin
10 to you May 10, 2011 at 7 a.m. Did you receive
11 the e-mail at or around that date and time?

12 A. Yes.

13 Q. Can you please read that into the
14 record please.

15 A. "Yes and? I will be surprised if it
16 wouldn't pop up. It will be pushed down at some
17 point, but, as you can see, those fucks are pushy
18 over those Google searches. It is irrelevant
19 and dynamic. Things change and so do searches."

20 Q. Thank you. We are finished with
21 that. Exhibit 243. Please mark it.

22 (Whereupon, Plaintiff's Exhibit 243,
23 document bearing Bates designation PZ
24 001212 was hereby marked for
25 identification, as of this date.)

1 P. Zalmayev

2 Q. This is the one that you had a
3 primary drafting responsibility for, correct?

4 A. Correct.

5 Q. This is one of the articles that is
6 the subject matter of the complaint in this case,
7 right?

8 A. Yes.

9 Q. Take a look at this please. The
10 next exhibit.

11 (Whereupon, Plaintiff's Exhibit 246,
12 document bearing Bates designation PZ
13 000980 was hereby marked for
14 identification, as of this date.)

15 Q. Can you please take a look at Exhibit
16 246 which bears Bates designation PZ 000980.

17 A. Yes.

18 Q. Is this a check cut on the Eurasia
19 Democracy Initiative bank account to Leonid
20 Komarovsky for \$7,000?

21 A. Correct.

22 Q. This was the \$7,000 payment made to
23 Mr. Komarovsky in connection with the
24 anti-Egiazaryan campaign that you were leading,
25 correct?

1 P. Zalmayev

2 A. Yes.

3 Q. Next. You indicated a moment ago
4 that Mr. Komarovsky also had a radio show, right?

5 A. Yes.

6 Q. Where is the radio show based? Do
7 you know?

8 A. He broadcasts out of Boston.

9 Q. Do you know Mr. Komarovsky outside
10 the context of the Mr. Egiazaryan case?

11 A. Yes.

12 Q. Do you speak with him fairly
13 regularly?

14 A. Yes.

15 Q. Is he a friend of yours?

16 A. Yes.

17 Q. When did you first meet him?

18 A. I met him in the year 2003.

19 Q. Have you ever listened to his show?

20 A. Yes.

21 Q. Do you listen to the show frequently?

22 A. Not frequently.

23 Q. From time to time?

24 A. Very rarely.

25 Q. Have you listened to the show in

1 P. Zalmayev

2 Q. By the way, you said that you were
3 the first caller into the show. Did you direct
4 other people to call into Mr. Komarovsky's show?

5 A. No.

6 Q. Do you know whether Mr. Komarovsky
7 encouraged other people to call into the show?

8 A. I don't know that.

9 Q. Do you know whether or not Mr.
10 Akhmetshin encouraged other people to call into
11 the show?

12 A. I don't know that.

13 Q. Do you know whether Mr. Akhmetshin
14 himself called into the show?

15 A. I don't know that.

16 Q. Now when you called for the first
17 time?

18 A. Yes.

19 Q. Did you identify yourself as Ilya?

20 A. I don't remember that was Ilya. I
21 don't think so.

22 Q. Do you know anybody else that called
23 the show about Mr. Egiazaryan?

24 A. No, I don't. I called myself, but I
25 don't think it was -- I don't remember the name

1 P. Zalmayev

2 Ilya. No.

3 Q. Did you identify yourself as Peter
4 Zalmayev?

5 A. No.

6 Q. Who did you identify yourself as?

7 A. I am trying to remember. It may
8 have been a Paul, a perverted Russian version.
9 I don't remember the exact name. It was not
10 Peter Zalmayev.

11 Q. Why didn't you identify yourself as
12 Peter Zalmayev?

13 A. I did not want -- I wanted to remain
14 kind of anonymous.

15 Q. Isn't it true that you wanted to give
16 the impression that there were other people
17 concerned about the Egiazaryan matter other than
18 Peter Zalmayev?

19 A. I wanted to just jump-start the
20 conversation on his show as it was requested of
21 me by Mr. Komarovsky.

22 Q. You could have done that by
23 identifying yourself as Peter Zalmayev, right?

24 A. I could have as well, yes.

25 Q. But you used a pseudonym, isn't that

1 P. Zalmayev

2 right?

3 A. I used a pseudonym. That's correct.

4 Q. Do you use Yahoo calendar?

5 A. Yahoo calendar, yes, I have used
6 Yahoo calendar.

7 Q. I would like you to look at PZ
8 000875.

9 (Whereupon, Plaintiff's Exhibit 248,
10 document bearing Bates designation PZ
11 000875 was hereby marked for
12 identification, as of this date.)

13 Q. Do you recognize what this is?

14 A. Yes.

15 Q. What is it?

16 A. This is a reminder, calendar reminder
17 to myself to call Komarovsky's program on the
18 stated date of February 16, 2011.

19 Q. That was two days before the excerpt
20 that we just played which was February 18,
21 correct?

22 A. Yes.

23 Q. Did you in fact call on February 16?

24 A. I'm not sure if it was that date, but
25 I would imagine that it is, yes.

1 P. Zalmayev

2 Q. But you don't know one way or the
3 other, right?

4 A. I know that I was the first caller to
5 the show. Yes.

6 Q. Did you ever call him again?

7 A. No.

8 Q. Do you remember the date that you
9 called him?

10 MR. GOLDEN: Objection. Asked and
11 answered.

12 A. I don't remember the date. No.

13 Q. Did you call him on more than one
14 occasion?

15 MR. GOLDEN: Objection. Asked and
16 answered.

17 A. You mean whom?

18 Q. Komarovsky's show.

19 A. Komarovsky's show. O.K.

20 Let's clarify here. Did I call on
21 his show as it was live? It was only once that I
22 called. I have called to speak with him, and I
23 may have dialed this number to speak with him
24 while he was off the air. That may have
25 happened. I do recall that I may have dialed

1 P. Zalmayev

2 A. I'm not aware of another number that
3 he uses, no.

4 Q. Do you know Douglas Bloomfield's
5 telephone number?

6 A. Not by heart.

7 Q. Do you have that information on you?

8 A. I believe so.

9 Q. Can you tell me what numbers he uses.

10 A. I have the following number as
11 indicated marked as his mobile as 301-346-2707,
12 and I have another number that says here marked
13 as work number. 301-460-3285.

14 Q. Is that it?

15 A. Yes.

16 Q. Let me ask you to look at what was
17 previously marked as Exhibit 7. Do you
18 recognize this document?

19 A. Yes, I do.

20 Q. What is it?

21 A. It is a group letter signed by a
22 representative of Freedom House, American Jewish
23 committee and national council on Soviet Jewry
24 and addressed to Secretary Janet Napolitano.

25 Q. You played a principal role in

1 P. Zalmayev

2 drafting this, did you not?

3 A. I did.

4 Q. This was the version that ultimately
5 went out to Secretary Napolitano, correct?

6 A. I believe it did, yes.

7 Q. Your name doesn't appear anywhere on
8 here, right?

9 A. No, it doesn't.

10 Q. Isn't it true that earlier drafts of
11 this letter contained the letterhead for Eurasia
12 Democracy Initiative?

13 A. Yes, they did.

14 Q. And it didn't appear on the final,
15 right?

16 A. I don't think it did, no.

17 Q. Why not?

18 A. It was decided, I spoke with Doug in
19 particular I remember that I remember also having
20 a conversation with Mr. Akhmetshin. I was
21 conferring. It was decided that EDI was not
22 serious enough to warrant that sort of inclusion
23 compared to these large and very old
24 organizations. It was just not the same degree
25 of prominence, and I was afraid that EDI's

1 P. Zalmayev

2 presence in it would not contribute much to the
3 weight of this letter.

4 Q. Isn't it also true that you expressed
5 a view that you would rather not have EDI's stamp
6 on the document at all?

7 A. Yes. I probably did.

8 Q. Why?

9 MR. GOLDEN: Objection. Asked and
10 answered.

11 MR. LUPKIN: I don't believe so.

12 A. I think I answered that question. I
13 did not think it really -- I felt too modest to
14 put my name there with these large organizations.

15 Q. By the way, are you aware of the
16 existence of any letterhead that has Freedom
17 House, AJC and NCSJ all on the same document?

18 MR. GOLDEN: Objection to the form.

19 A. I think this letter that I am holding
20 in my hand has them.

21 Q. Right. Did you create this
22 letterhead that appears at Exhibit 7?

23 A. I did.

24 Q. So --

25 A. I did not create the logos, but I

1 P. Zalmayev

2 think I compiled, I did compile them and put them
3 on the letter.

4 Q. You made one letterhead out of it,
5 correct?

6 A. Yes.

7 Q. This document Exhibit 7 was part of
8 the anti-Egiazaryan campaign that you were
9 leading, correct?

10 A. This was part of it. Yes.

11 Q. This document Exhibit 7 is one of the
12 documents that forms the basis of Mr.
13 Egiazaryan's complaint in this case, isn't that
14 right?

15 A. I'm not sure if it is the basis, but
16 it is, yes, it is one of the exhibits. Correct.

17 Q. Take a look at what was previously
18 marked as Exhibit 8. Do you recognize this
19 document?

20 A. Yes, I do.

21 Q. What is it?

22 A. That is generally if not exactly the
23 same content as the previous letter. It is a
24 letter signed by the three organizations that I
25 just mentioned. You want me to say the names

1 P. Zalmayev

2 again?

3 Q. Sure.

4 A. Freedom House, American Jewish
5 Committee and the National Council on Soviet
6 Jewry and this time it is addressed to the
7 Honorable Hannah Rosenthal.

8 Q. Who is she?

9 A. She is the special envoy at the state
10 department on the issue of anti-Semitism. That
11 is not her correct title. Office to monitor and
12 combat anti-Semitism.

13 Q. And you were a principal draftsman of
14 this document, right?

15 A. It is the same document, so, yes.

16 Q. You created this letterhead, right?

17 A. Correct.

18 Q. Now I don't remember whether I asked
19 you this or not and if I did please forgive me.
20 Did you tell Sam Patton that you were working on
21 behalf of a client for money?

22 A. Those are two different questions.

23 Q. Let me ask you first. Did you tell
24 Sam Patton that in connection with this
25 anti-Egiazaryan campaign you were working on

1 P. Zalmayev

2 behalf of a client, right?

3 A. I don't recall saying that to him
4 specifically.

5 Q. You didn't tell him you were being
6 paid, right?

7 A. No.

8 Q. Same questions for Mr. Kliger. Did
9 you tell Mr. Kliger that you were working on
10 behalf of a client?

11 A. No.

12 Q. Did you tell him you were being paid
13 for your work in connection with the
14 anti-Egiazaryan campaign?

15 A. No, I don't remember saying that to
16 him.

17 Q. Do you remember -- the same questions
18 for Lesley Weiss. Did you tell Lesley Weiss
19 that you were working on behalf of a client with
20 respect to this anti-Egiazaryan campaign that you
21 were leading?

22 A. No.

23 Q. Did you tell her that you were being
24 paid for your work?

25 A. No.

1 P. Zalmayev

2 Q. Same questions with respect to Mark
3 Levin. Did you tell Mark Levin that you were
4 being paid for your work on the anti-Egiazaryan
5 campaign that you were leading?

6 A. No.

7 Q. Did you tell Mark Levin that the
8 anti-Egiazaryan campaign that you were leading
9 was on behalf of a client?

10 A. No.

11 Q. Let me ask you to take a look at the
12 next document. This one bears Bates designation
13 PZ 001430 and runs through PZ 001457.

14 (Whereupon, Plaintiff's Exhibit 250,
15 document bearing Bates designation PZ
16 001430 and runs through PZ 001457 was
17 hereby marked for identification, as of
18 this date.)

19 Q. Have you ever seen this document
20 before?

21 A. Yes, I do recall seeing this
22 document.

23 Q. Did you create this document?

24 A. No.

25 Q. Do you know who did?